

Central Intelligence Agency



Washington, D.C. 20505

19 November 2018

Mr. Dave Giglio
MuckRock News
DEPT MR 62097
411A Highland Avenue
Somerville, MA 02144

Reference: F-2019-00152

Dear Mr. Giglio:

On 23 October 2018, the office of the Information and Privacy Coordinator received your 22 October 2018 Freedom of Information Act (FOIA) request for records on **Luis Kutner**. We have assigned your request the reference number above. Please use this number when corresponding so that we can identify it easily.

Although you have provided some of the identifying information required before we can effectively search our files on an individual, we still need additional data before we can begin processing your request. Without this data, we may be unable to distinguish between individuals with the same or similar names. Specifically, we **require** the individual's:

- Full name**
- Date of birth**
- Date and/or place of death**
- Evidence of death, or**
- Living party signed affidavit: Freedom of Information Act-Certification of Identity Form and copy of Code of Federal Regulations Vol. 32§ 1900.32(b) information (enclosed).**

If the individual is deceased, we also require some *evidence of death*, such as a death certificate, an obituary, or a press statement to ensure there are no privacy considerations. A website link in itself does not satisfy the proof of death requirement. Please provide the actual documentation and source. Proof of death is not required if date of birth is 100 years ago or greater.

Agency regulations encourage requesters seeking information on *living* third parties to provide a signed affidavit or declaration from the third parties waiving all or some of their privacy rights. We can search without this authorization, but if we locate responsive records, privacy concerns may require us to protect the information from release.

FOIA exemption (b)(6) requires us to protect information "the disclosure of which would constitute a clearly unwarranted invasion of personal privacy." In reaching this determination, we use the test our regulations outline at 32 CFR § 1900.32(b): "the Agency will balance the privacy interests that would be compromised by disclosure against the public interest in release of the requested information." Therefore, the waiver will assist us with this determination.

Please be advised, the FOIA authorizes federal agencies to collect fees for records services. Based on the information provided in your letter, we determined that your request falls into the "all other" fee category, which may require you to pay applicable search and copying fees (if any exist) beyond the first 100 pages of reproduction and the first two hours of search time, which are free. Copies are ten cents per page. However, you will not be assessed for searching because we do not anticipate the search going beyond the two hours to which you are entitled to free.

We note you wish to be notified of the total charges prior to processing your request. Please be advised that we cannot provide you with an exact fee estimate until we have completed the search. Once our work is completed, you may be assessed fees for duplication if our work on your request exceeds the 100 pages of duplication which are free. In order to protect requesters from large/or unanticipated charges, we will ask you for a written commitment to pay fees if we determine they will exceed \$100. Although you still will be assessed fees accordingly, we will not notify you beforehand if we estimate that fees for completing your request will be less than \$100. We will proceed on this basis unless we hear otherwise from you in writing.

If we do not hear from you by 25 January 2019, we will close your request as it is not reasonably described.

Please send requested information to:

Information and Privacy Coordinator
Central Intelligence Agency
Washington, DC 20505

If you prefer to fax in your information, our facsimile is 703-613-3007.

Sincerely,



Allison Fong
Information and Privacy Coordinator